

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANSSEN CONDOMINIUM
ASSOCIATION OF APARTMENT
OWNERS, a Washington non-profit
corporation,

Plaintiff,

v.

COUNTRY MUTUAL INSURANCE
COMPANY, an Illinois company;
FARMINGTON CASUALTY COMPANY, a
Connecticut company; THE TRAVELERS
INDEMNITY COMPANY, a Connecticut
company; THE TRAVELERS INDEMNITY
COMPANY OF AMERICA, a Connecticut
company; and TRAVELERS CASUALTY
INSURANCE COMPANY OF AMERICA, a
Connecticut company,

Defendants.

No.: 2:21-cv-00295-BJR

STIPULATED MOTION AND ORDER TO
CONTINUE TRIAL DATE AND
RELATED DEADLINES

STIPULATION

Plaintiff's counsel, Daniel S. Houser, was infected¹ with COVID in late December.

¹ Mr. Houser was fully vaccinated, boosted, and working from home. Nevertheless, through no fault of his own, he contracted COVID from his 14-year-old daughter, who was infected at basketball practice despite wearing a mask and being fully vaccinated.

Mr. Houser believes that he is now fully recovered from COVID, but during his convalescence he was not able to prepare for, take, or defend depositions in this matter. The parties have exchanged some written discovery, expert reports, and rebuttal expert reports. But because of COVID-related delays, the parties need more time to take depositions and then file motions for summary judgment regarding damage, causation, timing of damage, and the correct interpretation of policy language and Washington law. Extending the trial date and related deadlines will allow time for depositions and summary judgment motions, which will clarify and define the issues for trial.

In addition, the Association and Country Mutual are attempting to schedule a mediation to discuss settlement possibilities. Extending the trial date and related deadlines will allow time for a mediation before the parties incur substantial costs and fees for depositions and motion practice.

Therefore, Plaintiff Franssen Condominium Association of Apartment Owners and Defendants Country Mutual Insurance Company, Farmington Casualty Company, The Travelers Indemnity Company, The Travelers Indemnity Company of America, and Travelers Casualty Insurance Company of America (collectively, the “Parties”) respectfully request that the trial date, and related pretrial deadline dates, be extended. The parties have agreed upon and propose the following dates:


Event:	Current Deadline:	New Deadline:
Expert depositions:	Feb. 10, 2022	May 13, 2022
All dispositive motions must be filed by	Feb. 18, 2022	May 24, 2022
Discovery Completed by:	Feb. 25, 2022	May 27, 2022
All motions in limine must be filed by:	May 16, 2022	August 22, 2022
Joint Pretrial Statement	May 23, 2022	August 29, 2022
Pretrial conference	June 6, 2022	September 12, 2022
Trial	June 20, 2022	September 26, 2022

Respectfully submitted this 21st day of January, 2022.

HOUSER LAW, PLLC By: <u>/s/ Daniel S. Houser</u> Daniel S. Houser, WSBA #32327 dan@dhouserlaw.com <i>Attorneys for Plaintiff Franssen Condominium Association of Apartment Owners</i>	BETTS, PATTERSON & MINES, P.S. By: <u>/s/ Daniel L. Syhre</u> Daniel L. Syhre, WSBA #34158 dsyhre@bpmlaw.com <i>Attorneys for Defendant Country Mutual Insurance Company</i>
BULLIVANT HOUSER BAILEY, PC By: <u>/s/ Daniel R. Bentson</u> Daniel R., Bentson, WSBA #36825 daniel.bentson@bullivant.com <i>Attorneys for Defendants Aetna Casualty and Surety Company of Illinois, Farmington Casualty Company, The Travelers Indemnity Company, The Travelers Indemnity Company of America, Travelers Casualty and Surety Company, and Travelers Property Casualty Corp.</i>	

BASED UPON THE PARTIES' STIPULATION, WHICH ESTABLISHES GOOD CAUSE, THE COURT HEREBY EXTENDS THE DEADLINES OUTLINED ABOVE. THE COURT GRANTS AND INCORPORATES THE PROPOSED DATES BY THE PARTIES AND THIS ORDER SHALL SUPERSEDE DOCKET NO. 36. ADDITIONALLY, THE TRIAL IN THIS MATTER IS HEREBY CONTINUED FROM JUNE 20 2022 TO SEPTEMBER 26, 2022.

DATED this 27th day of January, 2022.


 BARBARA J. ROTHSTEIN
 UNITED STATES DISTRICT JUDGE